1:Franken et al M, G-5 (ca. 1913-1948)1960
OF7 Balinese OF7

624 421 In conclusion, then, it can be said that the income of the *desa* officials is strictly limited, while the entire income of the *desa* is devoted to the *desa* offerings on the basis of a detailed budget. Hence I fail to see how anyone could accuse the village authorities of self-interest in punishing *adat* transgressions.

2

The Police

181 626 Every offence committed within the village territory is looked upon as prejudicial to the community, and for this reason the *desa* officials take action against such offences even when no complaint has been lodged.

It should be pointed out that every member of the *desa* is expected to look after the welfare of the community, and hence that all villagers must act as *tĕlik tanĕm*, 'village spies'.[4] Anyone reporting a transgression to the *bahan* is given a reward from the village treasury amounting to half of the fine placed on the transgression. The name of the informant remains secret. If the accused denies the charge, he is required to swear on oath to that effect beneath the tamarind tree.

625 In two particular fields there are functionaries with special policing powers. Supervision over the *kayu larangan*, various types of trees which it is prohibited to cut down or pick the fruits or nuts of, is exercised by the *kĕbayan tahak*, who must give permission for each exception to the prohibition. On the eastern mountain slope there are an unusual sort of forest rangers, the *lĕlipi sĕlĕm bukit*, 'king cobras', who guard against clandestine opening up of land or picking of fruits.

3

Judicature

69 None of the Tĕngananese village institutions has been so disrupted in the past decade as the uniquely organized and prudently operating judicial system. Let us, then, begin by describing the

[102 cont.]

623 All dèsa business is discussed in these village meetings, including financial matters, and thus the amount of the taxes to be levied is discussed and fixed.

634 Districts. A collection of villages forms a district, at the head of which stands a pambekelgedé or poenggawa. They are [625 702] involved in the management of the dèsa only insofar as matters of policing and army service (service outside the dèsa) are concerned. The grouping into districts, therefore, has no great significance for the ordinary Balinese. This cannot be said of the principalities, the larger political units that developed on Bali and now belong completely to the past.

64 174 Princes. According to Liefrinck (1), the Balinese principali-

1. F.A. Liefrinck, "Bijdrage tot de kennis van het eiland Bali (Contributions to Knowledge of the Island of Bali)" Tijdschrift voor Taal-, Land-, en Volkenkunde van Nederlands Indië, Vol. 33, p. 347 f.

ties probably came into being in the following manner. In former times the various dèsa often had questions to discuss [312 721] among themselves, especially concerning water for irrigation purposes. Originally, this perhaps led to armed combat, but gradually the parties came to appeal to arbitration by persons in whose judgment they had faith. These persons exercised a growing influence in the course of time. Their descendants knew how to strengthen this and to draw the whole of the administration of justice into their hands. As soon as they succeeded in making themselves masters of the rights to irrigation water and were able to claim payment for the use of it, [103] they [643] became full-fledged Eastern despots. During the period when the Balinese princes had unlimited power, it was in very small measure a blessing for the ordinary people; on the contrary, [641] in most cases it was a heavy burden. The inhabitants had to [651] guard the poeri, the royal residence; the prince placed a tariff

12: Haar S-4 (1939) 1948 OB1 Indonesia OB1
Ambon OH4 Minangkabau OD10
Bali OF7 Gorontalo OG4
Java OE1

starting point you may imagine a piece of territory in the possession of a community. Within this regional community a number of local groups are established and settled in a number of residential areas; each group is on an equal footing with the rest. Members of each village reclaim parts of the common regional domain; fields are used and then abandoned. Subsequently, they become overgrown as the gardeners move on to other clearings. If so long a time has elapsed that even the preferential right of the ones who did the job of reclamation are dead and the lands have remained a parcel within the regional community area of disposal, the regional community continues in competence (power) to adjudicate disputes between members and their local chiefs and to control the admission of outsiders, *etc.*, with respect to these lands. At no time are the members of the regional community dealt with as though *they* were outsiders to any village in the group.

Lands that lie interstitially between the specific areas of disposal of the several villages are under the sole control of the regional community.

Extended family rights to disposal of waste lands held by the "suku" or "kampuang" within a "nagari" in Minangkabau, or rights held by the "dati" within the Ambonese "negory" are subject to similar principles.

6. *Delimitation of the area of disposal.*—Throughout all law-areas the areas of disposal are sharply bounded by the staked claims of other communities. Vague boundaries, on the other hand, may exist where there are wide areas of uninhabited land.

7. *Means of protection of communal areas of disposal.*—As long as there is no superior power above the communities, territorial sovereignty depends upon defensive strength or upon mutual agreement. In order to meet the special problems that arise because of this, many Indonesian communities have developed special officers, whose function it is to protect the boundaries. Such men are the "jaring" in Minangkabau, the "teterusan" in Minahasa, the "kepala kéwang" in Ambon, the "lelipi slem bukit" of the Tnganan in Bali and, apparently, also the "reksabumi" in Java.

Not only is protection of the boundaries possible by means of local frontier guards and patrols, with occasional petty wars, but if a village union or a prince or central government is established over the villages additional protection may be gleaned from letters of recognition by the prince, and decisions of federative (native), royal and colonial judges and governmental administrators. This

12: Haar S-4 (1939) 1948 OB1 Indonesia OB1
Savu OF15 Java OE1
Sumba OF17 Bali OF7

benefit has given direct impetus to the rise of native principalities in Bali and Indragiri.

8. *Legislative ignoring of the right of disposal.*—Failure to recognize the right of disposal in Dutch legislation has resulted in considerable unnecessary contradictions.

9. *Terminology.*—It rarely seems to have occured to Indonesians to coin a term for the right of disposal; at any rate, few languages in Indonesia have a specific word for the concept. But the area of disposal as such is always identified by some definite term. This term may give expression to the area of disposal as a possession (patuanan, in Ambon), as a food-producing area (panyampeto, in Borneo), as a demarked territory (pawatasan in Borneo, wewengkon in Java, and prabumian in Bali), or as land forbidden to outsiders (totabuan in Bolaang Mongondow). Various other terms are also known to exist, as for instance, "torluk" in Angkola, "limpo" in South Celebes, "nuru" in Buru, "payar" in Bali, "paér" in Lombok, and "ulayat" in Minangkabau.

10. *The supervisor of lands.*—The title "groondvoogd," or supervisor of lands, is given a double meaning in the literature. It is used in the first place to indicate the community soothsayer, who is especially versed in the techniques of making the supernaturals act in accord with human desires in the use of land. In the other sense, it is used to apply to the particular official who, in addition to the general chiefs and authorities, is the specialist in wielding the powers of disposal vested in the community. In correct technical usage, according to adat law, the word should have only the second meaning.

The separation of general authority and control of the operation of the right of disposal is apt to take place when an outside power penetrates the community or is foisted upon it. In such a situation it is possible to conceive of the three functions—soothsayer, land supervisor, and general headman—as existing side by side. But almost always the functions of soothsayer and supervisor are merged. The same is true of the functions of supervisor and chief, if no alien authority enters the picture. In his relation to native law the land supervisor is the actual symbol of the unbreakable link between the group and its soil. Even though the general political authority may be entrusted to a superior alien power, or captured by it, that bond of folk and soil persists. And it is just because the land supervisor is, so to speak, the personification of the spiritual relation of the people to their land that he is also usually the cere-